



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/738,419

12/17/2003

Gilles Boccon-Gibod

4630-010

8339

22440

7590

03/10/2010

GOTTLIEB RACKMAN & REISMAN PC

270 MADISON AVENUE

8TH FLOOR

NEW YORK, NY 10016-0601

EXAMINER

PARRY, CHRISTOPHER L

ART UNIT

PAPER NUMBER

2421

MAIL DATE

DELIVERY MODE

03/10/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/738,419	<b>Applicant(s)</b> BOCCON-GIBOD ET AL.	
	<b>Examiner</b> CHRIS PARRY	<b>Art Unit</b> 2421	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-9, 11-16, 18-21, 25, 27, 29-32, 35-40, 43, 44 and 47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-9, 11-16, 18-21, 25, 27, 29-32, 35-40, 43, 44 and 47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 2-9, 11-16, 18-21, 27, 29-32, 35-40, 43, and 44 have been considered but are moot in view of the new ground(s) of rejection.

Although a new ground of rejection has been used to address additional limitations that have been added to Claims 11, 19, 25, 27, 32, and 43, a response is considered necessary for several of applicant's arguments since references Marsh and Sezan will continue to be used to meet several claimed limitations.

In response to applicant's argument (Page 13, last ¶) stating none of the cited references disclose such a method or apparatus, the examiner respectfully disagrees.

Marsh discloses the limitation of stopping the buffering of the program if a user does not start watching said channel with said first time period by disclosing intelligent content agent 108 may automatically delete a recording program for content buffer 118, even though there is no shortage of storage space (Col. 7, lines 42-45). For example, intelligent content agent 108 may be configured to monitor a live program, such as the Late Show with David Letterman, and decide to delete the program if the user is not currently viewing the program and if the program fails to meet criteria of a user's profile (Col. 5, lines 17-27 and Col. 7, lines 42-55).

Sezan discloses the limitation of automatically presenting said program to said viewer from its beginning by using said recording by disclosing when the user desires to watch a program such as 20/20, but might miss the beginning, the system

autonomously records the audiovisual information that may be of interest to the user, such as the program 20/20 (§ 0056). Sezan further discloses when the user is ready to watch a desired program, such as 20/20, the program is played back automatically from the beginning so the user does not miss a single minute of the program (§ 0056).

### ***Claim Objections***

2. Claim 19 is objected to because of the following informalities: On line 2 of Claim 19, "having program beginnnings" should be --having program beginnings--.
- Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 25 is rejected under 35 U.S.C. 102(e) as being anticipated by Marsh (USPN 7,093,273 B2).

Regarding Claim 25, Marsh discloses a system (figure 3) for predictive buffering in a media recorder (104 - figs. 2-3), the system comprising:

a predictive program selection subsystem (108 – figure 3; Col. 5, lines 17-20), wherein the predictive program selection subsystem selects at least one program (i.e., Late Show with David Letterman) of interest to a user without receiving a command from the user to buffer said program, said one program being received at the beginning of a time slot (i.e., intelligent content agent 108 configured to use a viewer profile 114 to identify candidate programs for recording) (Col. 5, lines 17-51 and Col. 6, lines 48-62);

a buffering subsystem including a buffer (118 – figure 3; Col. 6, lines 30-41) that buffers a portion of said one program from the beginning of said time slot while said one program is not watched by a user, said buffering system being adapted to terminate said buffering if a user does not start watching said program within a predetermined time period after the beginning of said time slot (i.e., if the user has not tuned in to the buffered program and agent 108 determines the candidate program does not match the viewer profile by monitoring the closed caption of the program then agent 108 ends the buffering before the program finishes), said buffering subsystem further being configured to flush said buffer at the end of said predetermined time period if the user does not start watching the program with said predetermined time period (i.e., intelligent content agent 108 deletes the buffered program entirely) (Col. 7, lines 29-55).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 11, 12, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poslinski et al. "Poslinski" (US 2005/0044570 A1) in view of Kaminski et al. "Kaminski" (USPN 7,512,315 B2) and further in view of Marsh.

Regarding Claim 11, Poslinski discloses in a system (fig. 1A) for distributing content to users over channels, said system including a microprocessor (182 – fig. 1A) and a buffer (180 – fig. 1A) for selectively storing content shown on a channel (§ 0030-0031), a method for buffering in a media presentation device (130 – fig. 1A), the method comprising the steps of:

determining by the microprocessor [182], that at least one channel of interest to a user is within a previous time slot (i.e., a favorite channel, such as the most recently tuned channel), wherein said channel has not been preselected by the user for recording for said previous time slot (i.e., user was watching channel Y and switches to favorite channel 2) (see steps 402 and 406 in fig. 4A; § 0031, 0058, & 0061); and

buffering in a buffer (80 – fig. 1A) a portion of a program on said channel (i.e., channel 2) during a corresponding later time slot for a first time period (i.e., 30 minutes or less; § 0051-0053), said first time period being shorter than the duration of said time slot (i.e., when the user switches from favorite channel 2 to favorite channel 1 for example, the data that represents the programs on channel 2 continues to be cached in buffer 180) (box 406 – fig. 4A; § 0061).

Poslinski fails to disclose detecting by said processor if a user starts watching said channel on said presentation device within said first time period.

In an analogous art, Kaminski discloses detecting by said processor (i.e., processor 244 executes the PVR application 277 stored in system memory 249; Col. 9, lines 65-67), if a user starts watching said channel on said presentation device (200 – fig. 2) within said first time period (i.e., a user choose to play or record a title from the buffered program list) (Col. 10, lines 9-44; Col. 13, line 65 to Col. 14, line 24; and Col. 16, lines 42-66). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Poslinski to include detecting by said processor if a user starts watching said channel on said presentation device within said first time period as taught by Kaminski for the benefit of allowing a viewer to manage one or more time-shift buffers by facilitating allowing the viewer to designate whether buffered video presentations corresponding to previously displayed television channels should be accessible after a change in television channels (Kaminski: Col. 1, line 48 to Col. 2, line 3).

Poslinski discloses if a user does not start watching a program within 30 minutes or requests to view a NFC that is not currently assigned a tuner, the buffering of a portion of one program may be stopped due to time or priority (§ 0049-0053 and 0065). However, Poslinski and Kaminski fail to specifically stopping the buffering of the program if a user does not start watching said channel within said first time period and flushing said buffer after the buffering is stopped.

In an analogous art, Marsh discloses stopping the buffering of the program if a user does not start watching said channel within said first time period (i.e., if a user has not started watching the Late Show and agent 108 determines if the selected candidate

program does not match the viewer profile by monitoring the closed caption of the program then intelligent content agent 108 may decide to stop buffering of the Late Show with David Letterman) (Col. 7, lines 29-55) and flushing said buffer after the buffering is stopped (i.e., intelligent content agent 108 deletes the buffered program entirely) (Col. 7, lines 42-55). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Poslinski and Kaminski to include stopping the buffering of the program if a user does not start watching said channel within said first time period and flushing said buffer after the buffering is stopped as taught by Marsh for the benefit of having more intelligent and more robust methods and arrangements for recording television programs and other broadcast multimedia content programs (Marsh – Col. 2, lines 4-7).

As for Claim 12, Poslinski, Kaminski, and Marsh disclose, in particular Kaminski teaches wherein the step of determining said one channel is based on a list of channels most recently viewed by the user (Col. 13, lines 18-34).

As for Claim 18, Poslinski, Kaminski, and Marsh disclose, in particular Poslinski teaches wherein the buffering of the portion of a program on said channel continues until a channel of higher interest is found, after which the buffering commences of a portion of a program on said channel of higher interest (§§ 0047 and 0059-0060).



7. Claims 13-15, 35, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poslinski in view of Kaminski and further in view of Marsh as applied to claim 11 above, and further in view of Williams.

As for Claim 13, Poslinski, Kaminski, and Marsh fail to disclose wherein the step of determining said one channel is based on a frequency measure of channels watched within the same timeslot of a previous day.

In an analogous art, Williams teaches wherein the step of determining said one channel is based on a frequency measure of channels watched within the same timeslot of a previous day (Col. 13, lines 13-19). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Poslinski, Kaminski, and Marsh to include wherein the step of determining said one channel is based on a frequency measure of channels watched within the same timeslot of a previous day as taught by Williams for the benefit of automatically configuring a system based on a user's monitored system interaction and preferred system access times (Williams: Col. 2, lines 6-8).

As for Claim 14, Poslinski, Kaminski, and Marsh fail to disclose wherein the step of determining said channel is a predictive process based on a frequency measure of channels watched within the same timeslot of a previous week.

In an analogous art, Williams teaches wherein the step of determining said channel is a predictive process based on a frequency measure of channels watched within the same timeslot of a previous week (Col. 13, lines 13-24). Therefore, it would

have been obvious to one of ordinary skill in the art at the time the invention was made to modify Poslinski, Kaminski, and Marsh to include wherein the step of determining said channel is a predictive process based on a frequency measure of channels watched within the same timeslot of a previous week as taught by Williams for the benefit of automatically configuring a system based on a user's monitored system interaction and preferred system access times (Williams: Col. 2, lines 6-8).

As for Claim 15, Poslinski, Kaminski, and Marsh fail to disclose wherein the step of determining said channel is a predictive process based on the genre of channels being watched and previously watched.

In an analogous art, Williams teaches wherein the step of determining said channel is a predictive process based on the genre of channels being watched and previously watched (Col. 6, line 63 to Col. 7, line 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Poslinski, Kaminski, and Marsh to include wherein the step of determining said channel is a predictive process based on the genre of channels being watched and previously watched as taught by Williams for the benefit of automatically configuring a system based on a user's monitored system interaction and preferred system access times (Williams: Col. 2, lines 6-8).

As for Claim 35, Poslinski, Kaminski, and Marsh fail to disclose wherein said timeslot is selected from a grid defining programs over an extended time period on different channels.

In an analogous art, Williams teaches wherein said timeslot is selected from a grid defining programs over an extended time period on different channels (figure 9; Col. 8, line 41 to Col. 9, line 10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Poslinski, Kaminski, and Marsh to include wherein said timeslot is selected from a grid defining programs over an extended time period on different channels as taught by Williams for the benefit of automatically configuring a system based on a user's monitored system interaction and preferred system access times (Williams: Col. 2, lines 6-8).

As for Claim 36, Poslinski, Kaminski, Marsh, and Williams disclose, in particular Williams teaches wherein said grid is a weekly grid and said timeslot defines a program distributed at a particular day, time, and channel (fig. 9; Col. 8, line 41 to Col. 9, line 10).

8. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Poslinski in view of Kaminski and further in view of Marsh as applied to claim 11 above, and further in view of Sezan.

As for Claim 16, Poslinski, Kaminski, and Marsh fail to disclose wherein the step of determining said channel is a predictive process based on recommendations.

In an analogous art, Sezan teaches wherein the step of determining said channel is a predictive process based on recommendations (i.e. reviews by Siskel and Ebert) (§ 246). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Poslinski, Kaminski, and Marsh to include wherein the step of determining said channel is a predictive process based on recommendations as taught by Sezan for the benefit of filtering program descriptions based on reviews and recommendations of a program of interest.

9. Claims 19-21 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poslinski et al. "Poslinski" (US 2005/0044570 A1) in view of Marsh (USPN 7,093,273 B2).

Regarding Claim 19, Poslinski discloses a method for predictive buffering of programs having program beginnings (§ 0042) in a media recorder (130 – figure 1A), the method comprising the steps of:

receiving a first signal (i.e., FVC 155) containing a first program at a first receiving subsystem (tuner 175 – fig. 3A), said first program being received and starting at the beginning of a predetermined first time slot (i.e., tuner 175 begins buffering a program beginning on FVC 155 as soon as tuner 175 becomes available, for example after completing a program recording designated by the user) (§ 0047 & 0056-0057);

receiving a second signal (i.e., NFC 156) containing a second program at a second receiving subsystem (tuner 173 – fig. 3A) during a predetermined second time slot, which at least partially overlaps said first time slot (i.e., tuner 173 begins buffering

the beginning of the program as soon as the requested program is scheduled to begin) (¶ 0046-0047 & 0056-0057);

buffering at least a portion of said first program in said first time slot starting with the beginning of said first program (i.e., the program broadcasting on FVC 155 is buffered in cache 180 as long as tuner 175 is available) (¶ 0040, 0047 and 0057) while presenting or recording at least said second (i.e., tuner 173 can be used by the user to record NFC 156 while tuner 175 is buffering FVC 155) (¶ 0046-0048).

Poslinski discloses if a user does not start watching a program within 30 minutes or requests to view a NFC that is not currently assigned a tuner, the buffering of a portion of one program may be stopped due to time or priority (¶ 0049-0053 and 0065). However, Poslinski fails to specifically disclose wherein said buffering is terminated if a user does not start watching said one program with a predetermined interval from the beginning of said first time slot.

In an analogous art, Marsh a method for predictive buffering of programs having program beginnings in a media recorder (130 – figure 1A), the method comprising the steps of:

receiving a first signal containing a first program (i.e., Late Show with David Letterman) at a first receiving subsystem, said first program being received and starting at the beginning of a predetermined first time slot (i.e., intelligent content agent 108 identifies candidate programs for recording based on view profile 114) (Col. 5, lines 17-27 and Col. 6, lines 30-55);

buffering at least a portion of said first program in said first time slot starting with the beginning of said first program (i.e., begin recording the Late Show at the scheduled start time), wherein said buffering is terminated if a user does not start watching said one program with a predetermined interval from the beginning of said first time slot (i.e., if a user has not started watching the Late Show and agent 108 determines if the selected candidate program does not match the viewer profile by monitoring the closed caption of the program then intelligent content agent 108 may decide to stop buffering of the Late Show with David Letterman) (Col. 7, lines 29-55).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Poslinski to include wherein said buffering is terminated if a user does not start watching said one program with a predetermined interval from the beginning of said first time slot as taught by Marsh for the benefit of having more intelligent and more robust methods and arrangements for recording television programs and other broadcast multimedia content programs (Marsh – Col. 2, lines 4-7).

As for Claim 20, Poslinski and Marsh disclose, in particular Poslinski teaches wherein selection of the at least one program from the first set of television programs is based on a predictive process (i.e., favorite channels may be determined automatically by monitoring viewing habits of the viewer) (¶ 0044-0045).

As for Claim 21, Poslinski and Marsh disclose, in particular Poslinski teaches wherein selection of the at least one program from the first set of television programs is based on input from the user (i.e., user switches from viewing one favorite channel to another channel) (¶ 0047-0050).

As for Claim 47, Poslinski and Marsh disclose, in particular Marsh teaches flushing a buffer used to buffer said first program if a user does not start watching said program with said predetermined interval (i.e., intelligent content agent 108 deletes the buffered program entirely) (Col. 7, lines 42-55).

10. Claims 27 and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al. "Williams" (USPN 5,977,964) in view of view of Marsh.

Regarding Claim 27, Williams discloses a system (100 – figure 1) for predictive buffering in a media recorder, the system comprising:

a predictive channel selection subsystem (104 - figure 1; Col. 3, lines 6-38) that selects at least one channel of interest to a user, said channel showing a program having a program duration during a predetermined time slot (Col. 8, lines 41-46; Col. 8, line 59 to Col. 9, line 4, and Col. 13; lines 4-46);

a user identifying subsystem, which identifies whether a user is watching said channel during said predetermined time slot (i.e., system controller 104 monitors user interaction with system 100) (Col. 9, line 18 to Col. 10, line 39); and

a buffering subsystem (106 – figure 1; Col. 3, lines 50-52) that buffers said one channel for a buffering duration (Col. 13, lines 49-62 and Col. 17, lines 7-33).

Williams teaches that although the system can prompt the user to record a program that matches the user's interests, it may also automatically record the program on the user's behalf. However, Williams fails to specifically disclose a buffering subsystem that buffers said one channel for a buffering duration shorter than said program duration if the user does not start watching said channel during said buffering duration.

In an analogous art, Marsh discloses a buffering subsystem (118 – fig. 3) that buffers said one channel (i.e., based on viewer profile 114, intelligent content agent 108 identifies candidate channels for buffering) for a buffering duration shorter than said program duration if the user does not start watching said channel during said buffering duration (i.e., if a user has not started watching the identified channel and agent 108 determines if the selected candidate channel does not match the viewer profile by monitoring the closed caption of the program then intelligent content agent 108 may decide to stop buffering of the identified channel) (Col. 5, lines 17-27; Col. 6, lines 48-62; & Col. 7, lines 29-55).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Poslinski to include wherein said buffering is terminated if a user does not start watching said one program with a predetermined interval from the beginning of said first time slot as taught by Marsh for the benefit of having more intelligent and more robust methods and arrangements for recording



television programs and other broadcast multimedia content programs (Marsh – Col. 2, lines 4-7).

As for Claim 29, Williams and Marsh disclose, in particular Williams teaches wherein said channel selection system [104] selects said channel of interest from a grid listing a plurality of time slots corresponding to channels during an extended time period (figure 9; Col. 8, line 41 to Col. 9, line 10).

As for Claim 30, Williams and Marsh disclose, in particular Williams teaches wherein said grid covers a week (figure 9; Col. 8, line 41 to Col. 9, line 10).

As for Claim 31, Williams and Marsh disclose, in particular Williams teaches wherein said one channel is selected based on what the viewer has been watching in the past (Col. 12, line 52 to Col. 13, line 25).

11. Claims 2-4, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams in view of Sezan.

Regarding Claim 32, Williams discloses in a content distribution system (fig. 1) in which program a provided to various users, a method of time shifting a program comprising:

using a processor (104 – fig. 1) to determine if at least one program being distributed in the system [fig. 1] is of interest to a user, said program having a starting

point (i.e., system controller 104 searches the user's behavior log to identify channels of interest during specific time periods) (Col. 8, lines 41-46; Col. 8, line 59 to Col. 9, line 4, and Col. 13, lines 4-46);

starting to buffer said one program from its starting point if said processor [104] determines that said program is of interest to a user (Col. 13, lines 49-62 and Col. 17, lines 7-33).

Williams teaches the system controller determines whether a program of interest, a program normally recorded by the user, is scheduled to be recorded at a specific time slot on a certain day of the week, and if the system controller determines the program is not scheduled to be recorded, the system controller automatically buffers the program for the user. However, Williams fails to specifically disclose monitoring a program presenting apparatus with said processor to determine if the user starts watching said one program after said buffering has started; and causing said program presenting apparatus to show said program for its starting point, automatically by said processor, if it is determined that the user has started watching the program after said buffering has started.

In an analogous art, Sezan discloses in a content distribution system (fig. 2) in which program are provided to various users, a method of time shifting a program comprising:

using a processor to determine if at least one program (i.e., 20/20) being distributed in the system of interest to a user, said program having a starting point (¶ 0056);

monitoring a program presenting apparatus (16 – fig. 2) with said processor to determine if the user starts watching said one program after said buffering has started (i.e., system buffers 20/20 until the user is ready to view and waits until the user selects to view 20/20) (¶ 0056); and

causing said program presenting apparatus to show said program for its starting point, automatically by said processor, if it is determined that the user has started watching the program after said buffering has started (i.e., if a viewer tunes in 10 minutes late to 20/20, the program is restarted automatically and the user will be done viewing exactly one hour later) (¶ 0056).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams to include causing said program presenting apparatus to show said program for its starting point, automatically by said processor, if it is determined that the user has started watching the program after said buffering has started as taught by Sezan for the benefit of ensuring a user can view a program in its entirety even if the user is late and has missed the first portion of the program by restarting the program from the beginning.

As for Claim 2, Williams and Sezan disclose, in particular Williams teaches determining by said processor for said one program to be buffered is a predictive process based on a frequency measure of previously watched programs (Col. 6, line 63 to Col. 7, line 2). Williams discloses a user profile database 800 which is used to store

user preference information such as user preferred channels, favorite programs, and preferred watching periods (Col. 5, lines 52-64).

As for Claim 3, Williams and Sezan disclose, in particular Williams teaches wherein the step of determining said one program of interest is a predictive process based on specific programs watched (i.e., top ten favorite shows) (Col. 6, line 63 to Col. 7, line 2).

As for Claim 4, Williams and Sezan disclose, in particular Williams teaches wherein the step of determining said one program of interest is a predictive process based on the genre of programs watched (i.e., favorite genres) (Col. 5, line 52 to Col. 6, line 24 and Col. 6, line 63 to Col. 7, line 2).

12. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams in view of Sezan as applied to claim 32 above, and further in view of Finseth et al. "Finseth" (USPN 6,813,775 B1).

As for Claim 5, Williams and Sezan are silent on disclosing wherein the step of determining said one program of interest is a predictive process based on the recommendations of other users.

In an analogous art, Finseth discloses wherein the step of determining said one program of interest is a predictive process based on the recommendations of other users of the system (i.e., the Father 112A can recommend a program to the Mother

112B, the Sister 112C and the Brother 112D or "users of the system) (Col. 12, lines 8-17; Col. 13, lines 35-48; & Col. 14, lines 50-62). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams and Sezan to include wherein the step of determining said one program of interest is a predictive process based on the recommendations of other users of the system as taught by Finseth for the benefit of allowing a user of the system to tell another user of the system about a specific television program.

13. Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams in view of Sezan and further in view of Finseth as applied to claim 5 above, and further in view of Ismail et al. "Ismail" (USPN 7,146,627).

As for Claims 6 and 8, Williams, Sezan, and Finseth are silent on disclosing wherein the recommendations of other users are extracted from Web Log entries and online reviews.

In an analogous art, Ismail discloses wherein the recommendations of other users are extracted by the processor from Web Log entries and online reviews (Col. 20, lines 46-59). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Williams, Sezan, and Finseth to include wherein the recommendations of other users are extracted from Web Log entries as taught by Ismail for the benefit of gathering more user preferences from other sources.

14. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams in view of Sezan and further in view of Finseth as applied to claim 5 above, and further in view of Abramson (US 2005/0034151 A1).

As for Claims 7 and 9, Williams, Sezan, and Finseth fail to disclose wherein the recommendations of other users are extracted by the processor from one or more messages from an instant messaging service or email messages.

In an analogous art, Abramson disclose wherein the recommendations of other users are extracted from one or more messages from an instant messaging service or email messages (§ 0056). By disclosing uses can send recommendations by email or instant message, Abramson teaches recommendations from other users are extracted from an instant message or email message. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Williams, Sezan, and Finseth to include wherein the recommendations of other users are extracted from one or more messages from an instant messaging service or email as taught by Abramson for the benefit of collecting more information regarding upcoming programs.

15. Claims 37-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams in view of Sezan as applied to claim 32 above, and further in view of Kaminski.

As for Claim 37, Williams and Sezan fail to disclose wherein said step buffering said program is performed using a personal video recorder.

In an analogous art, Kaminski teaches wherein said step buffering said program is performed using a personal video recorder (Col. 4, lines 34-55). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams and Sezan to include wherein said step buffering said program is performed using a personal video recorder as taught by Kaminski for the benefit of allowing a viewer to manage one or more time-shift buffers by facilitating allowing the viewer to designate whether buffered video presentations corresponding to previously displayed television channels should be accessible after a change in television channels (Kaminski: Col. 1, line 48 to Col. 2, line 3).

As for Claim 38, Williams, Sezan, and Kaminski disclose, in particular Kaminski teaches wherein said monitoring is performed by said personal video recorder (Col. 4, lines 35-55).

As for Claim 39, Williams, Sezan, and Kaminski disclose, in particular Kaminski teaches wherein said program is buffered for a predetermined duration (i.e., the user can establish the size of the TSB) (Col. 11, line 53 to Col. 12, line 33).

As for Claim 40, Williams, Sezan, and Kaminski disclose, in particular Kaminski teaches wherein said program has a program duration (i.e., 1 hr) and said predetermined duration (i.e., 30 minutes) is shorter than said program duration (Col. 15, lines 41-54).

16. Claims 43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaminski et al. "Kaminski" (USPN 7,512,315 B2) in view of Sezan et al. "Sezan" (US 2004/0268389 A1).

Regarding Claim 43, Kaminski teaches in a system (fig. 1) for distributing content from a content provider (110 – fig. 1) to a plurality of viewers, each viewer having a content presentation device (200 – fig. 1), a method comprising:

transmitting a program having a program duration to a plurality of content presentation devices (Col. 3, lines 34-58);

selectively recording said program at each presentation device for a predetermined time period (i.e., received A/V data is buffered) (Col. 10, lines 9-44);

determining by said system if a particular viewer indicates that he wants to watch said program after the program has started but within said time period (i.e., does user select program from BPL screen 1300 to playback) (Col. 16, lines 42-66); and

if a particular viewer starts watching said program after the program has started but within said predetermined time period, then presenting said program to said viewer from its beginning by using said recording (i.e., a user can select a program to playback from BPL screen 1300 and using trick mode operations on the selected program to playback the program from any desired point including the beginning) (Col. 16, lines 42-66; Col. 11, lines 40-52 and Col. 3, lines 9-14).

Kaminski fails to specifically disclose automatically presenting said program to said viewer from its beginning by using said recording.



In an analogous art, Sezan teaches selectively recording a program at each presentation device for a predetermined time period (i.e., the system, in an autonomous manner, periodically obtains and records the audiovisual information that may be of interest to the user) (§ 0056) and if a particular viewer starts watching said program after the program has started but within said predetermined time period, then automatically presenting said program to said viewer from its beginning by using said recording (i.e., if a viewer tunes in 10 minutes late to 20/20, the program is restarted automatically and the user will be done viewing exactly one hour later) (§ 0056).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kaminski to include automatically presenting said program to said viewer from its beginning by using said recording as taught by Sezan for the benefit of ensuring a user can view a program in its entirety even if the user is late and has missed the first portion of the program by restarting the program from the beginning.

As for Claim 44, Kaminski and Sezan disclose, in particular Kaminski discloses wherein the system further comprises a recording device (273 – fig. 2) selectively recording programs (Col. 4, lines 35-55) further comprising monitoring the presentation device associated with the particular user when the respective recording device has not been set to record said program (Col. 16, lines 17-41), said monitoring being performed to detect when said particular viewer indicates that he wants to watch the program (Col. 14, lines 3-18 and Col. 16, lines 42-66).

***Conclusion***

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRIS PARRY whose telephone number is (571) 272-8328. The examiner can normally be reached on Monday through Friday, 8:00 AM EST to 4:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN MILLER can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2421

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/  
Supervisory Patent Examiner, Art Unit 2421

CHRIS PARRY  
Examiner  
Art Unit 2421

/C. P./  
Examiner, Art Unit 2421